

**REMARKS**

In the non-final Office Action, the Examiner rejected claims 6, 7, 15-19, and 23-27 under 35 U.S.C. § 103(a) as unpatentable over Fredette et al. (U.S. Patent No. 6,697,361) in view of Basso et al. (U.S. Patent No. 6,690,678); and rejected claim 28 under 35 U.S.C. § 103(a) as unpatentable over Fredette et al. in view of Basso et al. and Tappan (U.S. Patent No. 6,295,296).

By this Amendment, Applicant amends the specification and claims 16, 23, and 25 to improve form and adds new claims 29-37. Support for the amendment to the specification at page 13 can be found, for example, in Fig. 2. Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 103. Claims 6, 7, 15-19, and 23-37 are pending.

At pages 2-4 of the Office Action, the Examiner rejected claims 6, 7, 15-19, and 23-27 under 35 U.S.C. § 103(a) as allegedly unpatentable over Fredette et al. in view of Basso et al. Applicant respectfully traverses the rejection.

Independent claim 15, for example, is directed to a node which consolidates communication connections in a connection-oriented network. The node comprises a processor which determines whether a tunneling communication connection is present both in a first route of an existing communication connection and in a second route of a second communication connection, where the first and second routes have different destination nodes in the connection-oriented network. The processor modifies a parameter of the tunneling communication connection to accommodate merging the second communication connection in the tunneling communication connection. The

processor merges the existing communication connection and the second communication connection on the tunneling communication connection.

Neither Fredette et al. nor Basso et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 15. For example, neither Fredette et al. nor Basso et al. discloses or suggests a processor that modifies a parameter of a tunneling communication connection to accommodate merging a second communication connection in the tunneling communication connection.

The Examiner admitted that Fredette et al. does not disclose these features, but alleged that Basso et al. discloses adjusting the bandwidth of a virtual path connection according to the current network resource reservation (Office Action, page 3).

Regardless of the accuracy of the Examiner's allegation, Applicant submits that the alleged disclosure of Basso et al. is not equivalent to a processor that modifies a parameter of a tunneling communication connection to accommodate merging a second communication connection in the tunneling communication connection, as required by claim 15.

Basso et al. discloses continuous bit rate virtual path connections (CBR VPCs) in a backbone network that slowly modify their bandwidth according to the backbone voice traffic, such that if the voice traffic on the backbone network increases, the bandwidth allocated to the data CBR VPCs will decrease, and if the voice traffic on the backbone network decreases, more bandwidth will be available for the data CBR VPCs (col. 14, lines 13-22). Nowhere does Basso et al. disclose or remotely suggest merging a communication connection in a tunneling communication connection, let alone a

processor that modifies a parameter of a tunneling communication connection to accommodate merging a second communication connection in the tunneling communication connection, as required by claim 15.

Fredette et al. and Basso et al. also do not disclose or suggest a processor that merges the existing communication connection and the second communication connection on the tunneling communication connection. The Examiner alleged that Fredette et al. discloses these features and cited column 7, lines 36-41, of Fredette et al. for support (Office Action, page 3). Applicant respectfully disagrees.

Fredette et al. discloses that in order to transfer data to a destination device, a source device makes a label assignment request that propagates through the network (col. 4, lines 18-20). The source device is eventually assigned a label to be used in subsequent data transfers to the destination device (col. 4, lines 20-22). In assigning the label, a determination is made as to whether the path taken by the label assignment request has been used by any previous requests (col. 4, lines 22-24). If the path has been used, then the same label as was previously assigned to the request using that path is used for the current request, thereby allowing multiple data streams to be aggregated onto a single label (col. 4, lines 24-31).

Fredette et al. also discloses that in determining what label to assign to a particular label assignment request, the egress router makes use of an additional identifier referred to as the "merge identifier" or "MID" (col. 7, lines 9-12). As the label assignment request propagates through the network, each router to receive the request assigns either a previously used MID value or a new MID value to the request before

propagating the request to the next router (col. 7, lines 12-15). The MID value is then used by the egress router to determine whether a previously used label can be re-used for the current request (col. 7, lines 15-18).

At column 7, lines 36-41, Fredette et al. discloses:

An ingress router can use the same MID value for each request corresponding to a data path that it is capable of aggregating with other data paths. By way of example, if router 212 of FIG. 2a is merge capable, then it could use the same MID value for requests from source 202 and 203 targeting destination 206 or 208.

In this section, Fredette et al. discloses that the same MID value can be used for label assignment requests associated with different data paths. Nowhere in this section, or elsewhere, does Fredette et al. disclose or suggest a processor that merges an existing communication connection and a second communication connection on a tunneling communication connection, as required by claim 15. Instead, Fredette et al. discloses a technique for multiple data streams sharing the same data path of edge routers in a network to use the same label, thereby reducing the number of labels needed (col. 5, lines 26-31). Basso et al. also does not disclose or suggest these features of claim 15.

For at least these reasons, Applicant submits that claim 15 is patentable over Fredette et al. and Basso et al., whether taken alone or in any reasonable combination. Claims 16-19 and 23 depend from claim 15 and are, therefore, patentable over Fredette et al. and Basso et al. for at least the reasons given with regard to claim 15.

Independent claim 24 recites features similar to, but possibly different in scope from, features recited in claim 15. Claim 24 is, therefore, patentable over Fredette et al. and Basso et al., whether taken alone or in any reasonable combination, for at least

reasons similar to reasons given with regard to claim 15. Claims 6, 7, and 25-27 depend from claim 24 and are, therefore, patentable over Fredette et al. and Basso et al. for at least the reasons given with regard to claim 24.

At pages 4-5 of the Office Action, the Examiner rejected claim 28 under 35 U.S.C. § 103(a) as allegedly unpatentable over Fredette et al. in view of Basso et al. and Tappan. Applicant respectfully traverses the rejection.

Claim 28 depends from claim 24. Without acquiescing in the Examiner's rejection, Applicant submits that the disclosure of Tappan does not cure the deficiencies in the disclosures of Fredette et al. and Basso et al. Therefore, claim 28 is patentable over Fredette et al., Basso et al., and Tappan, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 24.

New claims 29-31 depend from claim 24 and are, therefore, patentable over Fredette et al., Basso et al., and Tappan, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 24.

New claims 32-34 depend from claim 15 and are, therefore, patentable over Fredette et al., Basso et al., and Tappan, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 15.

New independent claim 35 is directed to a node that consolidates communication connections in a connection-oriented network that includes a plurality of nodes. The node comprises a processor to determine whether a tunneling communication connection is present both in a first route of an existing communication connection and in a second route of a second communication connection, the first and second routes being associated

with different destination nodes in the connection-oriented network, determine if modification of a parameter of the tunneling communication connection to accommodate merging the second communication connection in the tunneling communication connection is possible based on a message from at least one other node, and when modification of the parameter is determined to be possible, modify the parameter and merge the existing communication connection and the second communication connection on the tunneling communication connection.

Fredette et al., Basso et al., and Tappan, whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 35. For example, neither Fredette et al., Basso et al., nor Tappan discloses or suggests a processor to determine if modification of a parameter of the tunneling communication connection to accommodate merging the second communication connection in the tunneling communication connection is possible based on a message from at least one other node.

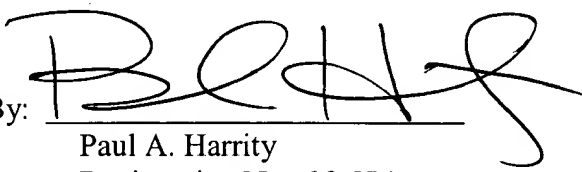
For at least these reasons and reasons similar to reasons given above with regard to claims 15 and 24, Applicant submits that new claim 35 is patentable over Fredette et al., Basso et al., and Tappan, whether taken alone or in any reasonable combination. Claims 36 and 37 depend from claim 35 and are, therefore, patentable over Fredette et al., Basso et al., and Tappan for at least the reasons given with regard to claim 35.

In view of the foregoing amendment and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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